

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Jay M. SHORT et al.

Application No.: 09/866,379

Filed: May 24, 2001

For: RECOMBINANT BACTERIAL PHYTASES  
AND USES THEREOF

Confirmation No.: 4596

Art Unit: 1652

Examiner: D. Ramirez

**NOTIFICATION OF LOSS OF ENTITLEMENT**  
**TO SMALL ENTITY STATUS UNDER 37 CFR § 1.28(c)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Assignee, Verenum Corporation, hereby notifies the Patent and Trademark Office that it is not entitled to status as a small entity and the claim for small entity status filed by Applicant is hereby withdrawn.

Following is a chart showing the fees as paid and the deficiency owed, and Applicant encloses herewith Fee Transmittal SB/17 in payment of the additional fees due.

<b>Date</b>	<b>Type of Fee</b>	<b>Fees Paid</b>	<b>Large Entity Fee</b>	<b>Deficiency Owed</b>
12/17/01	Basic Filing – Utility	370.00	810.00	440.00
12/17/01	73 Additional Claims	657.00	3,650.00	2,993.00
12/17/01	10 Additional Ind. Claims	420.00	2,100.00	1,680.00
12/17/01	Multiple Dependent Claims	140.00	370.00	230.00
12/17/01	Four Months Extension	720.00	1,640.00	920.00

<b>Date</b>	<b>Type of Fee</b>	<b>Fees Paid</b>	<b>Large Entity Fee</b>	<b>Deficiency Owed</b>
12/17/01	Missing Parts Surcharge	65.00	130.00	65.00
12/17/01	Assignment	40.00	40.00	0.00
11/13/02	Two Months Extension	200.00	460.00	260.00
05/28/03	SIDS	180.00	180.00	0.00
04/13/04	One Month Extension	55.00	120.00	65.00
04/30/04	Notice of Appeal	165.00	510.00	345.00
04/30/04	One Month Extension	55.00	120.00	65.00
07/19/04	Utility Issue Fee	1,330.00	1,440.00	110.00
07/19/04	Petitions to the Commissioner	130.00	130.00	0.00
07/19/04	Publication Fee	300.00	300.00	0.00
02/09/05	Request to Correct Inventorship	130.00	130.00	0.00
	<b>Total Fees Due:</b>			<b>\$7,173.00</b>

Please charge **Deposit Account No. 03-1952** in the amount of \$7,173.00, referencing Docket No. 564462001822.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and

authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 564462001822.

Dated: January 7, 2008

Respectfully submitted,

By: /Gregory P. Einhorn/  
Gregory P. Einhorn  
Registration No.: 38,440  
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;"><i>(to be used for all correspondence after initial filing)</i></p>		Application Number	09/866,379
		Filing Date	May 24, 2001
		First Named Inventor	Jay M. SHORT
		Art Unit	1652
		Examiner Name	D. M. Ramirez
Total Number of Pages in This Submission	5	Attorney Docket Number	564462001822

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form (1 page) <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Notification of Loss of Entitlement to Small Entity Status (3 pages)
Remarks Customer No. 45975		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	MORRISON & FOERSTER LLP		
Signature	/Gregory P. Einhorn/		
Printed name	Gregory P. Einhorn		
Date	January 7, 2008	Reg. No.	38,440

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

<b>Effective on 12/08/2004.</b> <b>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</b> <h1 style="margin: 0;">FEE TRANSMITTAL</h1> <h2 style="margin: 0;">For FY 2008</h2>		<b>Complete if Known</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	09/866,379
		Filing Date	May 24, 2001
		First Named Inventor	Jay M. SHORT
		Examiner Name	D. M. Ramirez
		Art Unit	1652
TOTAL AMOUNT OF PAYMENT		(\$)	7,173.00
		Attorney Docket No.	564462001822

<b>METHOD OF PAYMENT</b> (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account            Deposit Account Number: <u>03-1952</u> Deposit Account Name: <u>Morrison &amp; Foerster LLP</u>	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, <b>except for the filing fee</b>
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

<b>FEE CALCULATION</b>								
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>								
Application Type	Fee (\$)	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
		Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	
Utility	310	155	510	255	210	105		
Design	210	105	100	50	130	65		
Plant	210	105	310	155	160	80		
Reissue	310	155	510	255	620	310		
Provisional	210	105	0	0	0	0		
<b>2. EXCESS CLAIM FEES</b>								
							<b>Small Entity</b>	
<b>Fee Description</b>							<b>Fee (\$)</b>	
Each claim over 20 (including Reissues)							50	
Each independent claim over 3 (including Reissues)							210	
Multiple dependent claims							370	
							185	
<b>Total Claims</b>		<b>Extra Claims</b>		<b>Fee (\$)</b>		<b>Fee Paid (\$)</b>		
_____ - 20 = _____		x _____		= _____				
HP = highest number of total claims paid for, if greater than 20.								
<b>Indep. Claims</b>		<b>Extra Claims</b>		<b>Fee (\$)</b>		<b>Fee Paid (\$)</b>		
7 - 7 = _____		x _____		= _____				
HP = highest number of independent claims paid for, if greater than 3.								
<b>3. APPLICATION SIZE FEE</b>								
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).								
<b>Total Sheets</b>		<b>Extra Sheets</b>		<b>Number of each additional 50 or fraction thereof</b>		<b>Fee (\$)</b>		
_____ - 100 = _____		/50 = _____		(round up to a whole number) x _____		= _____		
							<b>Fee Paid (\$)</b>	
<b>4. OTHER FEE(S)</b>							<b>Fees Paid (\$)</b>	
Non-English Specification, \$130 fee (no small entity discount)								
Other (e.g., late filing surcharge): See fee table in enclosed copy of Notification of Loss of Entitlement to Small Entity Status								
							\$7,173.00	

<b>SUBMITTED BY</b>			
Signature	/Gregory P. Einhorn/	Registration No. (Attorney/Agent)	38,440
Name (Print/Type)	Gregory P. Einhorn	Telephone	(858) 720-5133
		Date	January 7, 2008